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THE NATIONAL PENSION SYSTEM AS APPLIED TO THE CIVIL WAR AND THE WAR WITH SPAIN.

No computation of the cost of a war in which the United States is engaged can now be complete without consideration of the disbursements for pensions which are certain to be required for generations after hostilities have ceased. In attempting thirty-five years ago to estimate the cost of the Civil War, one would scarcely have included an item of two and one-half billions of dollars for pensions. And yet, at the present time, that amount has been largely exceeded. The Revolutionary War ended 118 years ago, but the last widow of a Revolutionary soldier has not disappeared from the pension roll. Eighty-six years after the War of 1812, we have a survivor and 1,500 widows of that war in receipt of aid from the nation. Experience, then, abundantly justifies a belief that, a century after the close of the Civil War, we shall be making expenditures on account of that great conflict.

It is not safe even to assume that we have reached the maximum of pension disbursements on account of the Civil War. Congress may at some time yield to an agitation for a service-pension law without the disability requirements of the act of 1890. This would be following existing precedents. In that case, the tendency to a diminution in expenditures might be checked, and, for a time, there might be an increase. It would be interesting to know the entire cost of the Civil War in pensions and how many times the cost of hostilities in the field the amount will ultimately be.

That the pension system of the United States has not oftener been the subject of serious study is surprising. Through its agency money goes from the National Treasury into the pockets of one person in every seventy-six of our

population. Over a considerable period of years just prior to the War with Spain, about two dollars of every five expended by the National Government went for pensions. When has any nation provided so liberally for its disabled soldiers and for the dependent relatives of the slain?

In the period from 1892 to 1897 inclusive, the entire receipts from internal revenue were \$899,000,000 and the receipts from customs revenue \$1,001,000,000. For the same period, the cost of pension payments and administration of the system was \$880,000,000. This is 97.9 per cent of the total receipts of the government from internal revenue, or 87.9 per cent of the total customs receipts. These statistics seem suggestive of a connection between high tariff laws and lavish pension provisions. The interests of the protected manufacturer and of the pensioned soldier have been the same. Since the Civil War, there has been a noteworthy sequence in the passage of high tariff laws, the accumulation of a surplus, and the distribution of that surplus through pensions. It is doubtful whether the country would favor a \$140,000,000 yearly appropriation for pensions, if that amount were to be added to the burdens of the internal revenue system.

The execution of a single pension law, that of June 27, 1890, has already cost \$630,000,000, and expenditures under its provisions are piling up at the rate of between sixty and seventy millions a year. These figures are so large as to be appreciated with difficulty, and yet the demand for additional legislation is insatiable. Attempts by government officials to place ordinary safeguards upon the distribution of the public money are met by clamorous denunciation, and Congress is importuned at every session for laws providing for even more lavish expenditures.

In the following pages, an attempt will be made to sketch in broad outline the main features of the present pension system of the United States, especially as applied to military operations since 1861. Attention will also be given to

some of the phases of legislation and administration which afford opportunity for the securing of assistance from the National Treasury through claims without merit and often supported by fraud.

Though military pensions have been paid in the United States since early colonial times, the system has experienced a remarkable development since the Civil War. Prior to that time, rates were low, and, except in the case of Revolutionary soldiers, pensions were based upon disability received or death incurred as a direct result of military service. Laws were also carefully limited in operation to the particular wars concerned. At the outbreak of the Civil War, the pension list consisted of some 10,700 persons, of whom sixty-three were soldiers of the Revolution and 2,728 the widows of such soldiers. The actual expenditure during the fiscal year ending June 30, 1861, was \$1,072,000. Under the laws then in force, the number of pensioners was decreasing at the rate of five or six hundred each year.

In the Pension Bureau, the wars fought before 1861 are known as the "old wars." Provisions of so liberal a character have been enacted that practically all surviving soldiers and the widows of all who fought in these wars are pensioned.¹ On June 30, 1901, there were 21,779 persons pensioned on account of the old wars, or about two per cent of the pensioners of the United States. The 15,677 Mexican War pensioners constitute the bulk of the old war beneficiaries. Four widows and five daughters of Revolutionary soldiers are included.

With the exception of a grant of twelve dollars a month to army nurses who served six months during the Civil War and are now unable to earn a support,² the entire pension system of the United States, applying to military service after 1861, may be divided into two distinct parts: the gen-

¹ Important laws applying to the old wars are the War of 1812 pension acts of February 14, 1871, and March 9, 1878, the Mexican War pension act of January 29, 1887, and the Indian Wars act of July 27, 1892.

² Six hundred and fifty nurses are now pensioned under this law.

eral-law system and the system based upon the act of June 27, 1890, and amendments.

General-Law System.

The general-law system is based upon a series of acts beginning with that of July 14, 1862, and extending down to the present time.¹ It applies to all military service subsequent to March 4, 1861, and consequently to every war in which the United States may engage. Its basal principle is the granting of pensions on account of injuries received or disease contracted in actual military service and in the line of duty, or on account of death directly resulting from such service.

Pensions granted to soldiers under this system are in the strictest application of the term invalid or disability pensions. The rates established under the act of 1862, for total disability to perform manual labor, ranged from thirty dollars a month to a lieutenant-colonel, or officer of higher grade, to eight dollars a month for a private soldier or sailor. This rating has been practically made obsolete by the passage of laws establishing fixed rates for certain specific disabilities. The first of these laws was that of July 4, 1864, and between that date and July 14, 1892, the law established fixed rates for about twenty specific disabilities. One hundred dollars per month is now the highest rate, and is paid for the loss of both hands. A rate of seventy-two dollars is paid for the loss of both feet or of the sight of both eyes. Other rates range down to twenty-four dollars for a disability considered equivalent to the loss of a hand or a foot.

Besides the rates definitely fixed by law the Commissioner

¹ Among the important laws are those of July 14, 1862; July 4, 1864; June 6 and July 25, 1866; July 27, 1868; March 3, 1873; January 25, 1879; March 19, 1886; June 7, 1888; March 2, 1895; March 3, 1901. For a discussion of these laws see the writer's monograph on the "History of Military Pension Legislation in the United States," published in the Columbia University series of "Studies in History, Economics and Public Law," vol. xii, No. 3.

of Pensions, under authority of acts of March 3, 1873, and August 27, 1888, has himself fixed rates for some fifty other disabilities. Where the total rate does not exceed seventeen dollars a month, the rates for several minor disabilities may be added in fixing the amount of the pension. Thus the loss of a great toe, pensionable at six dollars a month, the loss of a little finger, at two dollars per month, and nearly total deafness of one ear, at six dollars per month, may under the law entitle an applicant to an allowance of fourteen dollars per month. However, if the total rate allowed should prove less than six dollars per month, the act of March 2, 1895, provides that from and after that date the rate shall be six dollars per month. Under the Commissioner's ratings, the unfortunate loser of a little toe would be entitled to two dollars per month. But the before-mentioned act increases the rate to six dollars a month, or seventy-two dollars a year. So that, upon a 5 per cent basis, the United States might settle in cash for the toe by a payment of \$1,440. The difference in invalid pension rates now and at the close of the Civil War is strikingly shown by the fact that then total disability was understood to be inability to perform manual labor, and was pensioned at eight dollars per month. This rate is now paid for so-called "simple total disability," and is the same as that for ankylosis (stiffening) of the wrist, loss of a thumb, or the loss of the great and second toes. The man who has lost a thumb is now entitled to the same amount as was paid, prior to June 6, 1866, for the loss of an arm or a leg. Inability to perform manual labor is now pensioned at thirty dollars per month, which is also the amount allowed for the loss of a hand or foot. The following table, compiled from the last report of the Commissioner of Pensions, shows the number of general-law invalid pensioners grouped at each of eighteen typical rates. Every rate at which over one thousand pensioners are grouped is included:

| Rate. | Number. | Rate. | Number. |
|-----------------|---------|----------------|---------|
| \$100 | 22 | \$20 | 4,447 |
| 72 | 2,011 | 17 | 39,100 |
| 50 | 1,173 | 16 | 10,998 |
| 45 | 2,078 | 15 | 2,261 |
| 36 | 2,491 | 14 | 22,326 |
| 30 | 15,206 | 12 | 44,441 |
| 25 | 2,404 | 10 | 26,846 |
| 24 | 22,665 | 8 | 41,619 |
| 22 | 2,652 | 6 | 50,438 |

More are pensioned at six dollars per month than at any other single rate. The injuries of these persons are considered less serious than the loss of a thumb, and it is not probable that they suffer any noticeable diminution in ability to earn a livelihood. The pensioners at eight dollars per month are hindered in their work to the extent of an amputated thumb or a stiffened wrist. None of those pensioned at ten, twelve and fourteen dollars are suffering from an injury worse, in the opinion of the Commissioner of Pensions, than the loss of the middle, ring and little fingers of one hand. For he has fixed a rate of fourteen dollars per month for that injury. Those pensioned at thirty dollars have lost a hand or foot, or have suffered some disability deemed sufficient to render them unable to perform manual labor.

Widows' pensions, under the general law, are granted whenever the soldier dies by reason of injury received or disease contracted in service and in the line of duty. The widow is entitled to receive the total disability rate corresponding to the rank of her husband when he received the injury which resulted in his death. Her pension commences from the death of the husband and continues during widowhood. Under the act of 1862, rates ranged from eight to thirty dollars per month. The act of March 19, 1886, provided that the pension of the widow of a private or non-commissioned officer should be increased from eight to twelve dollars per month, provided she married the deceased soldier prior to the passage of the act, or thereafter prior to

or during his term of service. From July 25, 1866, widows have also been entitled to an additional allowance of two dollars per month for each legitimate child of the soldier, under sixteen years of age and in their care and custody. The general law does not inquire into the financial condition of a widow, but she must show that her husband's death was due to his service.

Before March 3, 1901, the remarriage of a widow finally terminated her title to a pension. By the terms of the act of that date, if she be the wife of a soldier during the period of his service in any war, her pension is terminated by her remarriage; but, if she again become a widow or be divorced upon her own application and without fault on her part, she may be restored to the roll. She must, however, present evidence that she is without means of support other than her daily labor, and that she does not have an actual net income in excess of \$250 a year.

In case a soldier is not survived by his wife, but by legitimate children under sixteen years of age, the children are entitled to the same pension as the widow might have received. Such children also succeed to a pension in cases where for some reason the right of the widow is terminated. Pensions to minors cease when they severally attain the age of sixteen years. In case a minor child becomes insane, idiotic or permanently helpless before it attains that age, the pension continues during the life of the child or during the period of the disability.

When a soldier leaves no widow or minor children, provisions are made, under certain restrictions, for the succession to the pension of the dependent mother, the dependent father, or of the orphan brothers and sisters under sixteen years of age, jointly. The law establishes the right of succession in that order. Rates of pensions to dependent relatives are fixed according to rank, just as with widows, but, since March 19, 1886, the minimum rate is twelve dollars per month.

Not including War with Spain pensioners, the number of invalids pensioned under the general law is 297,675, and the number of pensions to widows and dependent relatives is 88,802. The amount paid to these pensioners during the fiscal year 1901 was \$67,867,233.84. Since July 1, 1861, 880,583 original invalid claims have been filed under the general law and 587,647 have been allowed. Out of 542,284 claims of widows and dependent relatives filed, there have been allowed 335,273. Very few applications based upon service in the Civil War are now presented under the general law. Down to June 27, 1890, the general-law system was the only provision for pension allowances, with the exception of the service laws passed on behalf of the old wars.

Though many abuses, extravagances and incongruities have crept into our present laws, a properly guarded invalid pension system is in conformity with good public policy. Its value has repeatedly been recognized as a means of encouraging enlistments. So long as nations continue to settle their disputes through warfare, public opinion will hold governments to the duty of properly providing for the care of the unfortunate victims of the battle-field. Where injuries have been severe, pensions should be liberal. Aid to widows, orphans and dependent relatives merits general approval, when the head of the family has lost his life as a result of his service. A conservative rule, however, would exclude from the benefits of the pension laws the widow who has married the soldier at a period long after the termination of his service.

Act of June 27, 1890.

This act established a system of pensions for the benefit of those who served ninety days or more in the army or navy of the United States during the Civil War and were honorably discharged, and for their widows and minor children. The above requirement is supplemented by certain important conditions not connected with the service. In its operation,

this system, unlike that under the general law, is restricted to the particular war concerned.

The soldier who applies for an allowance must have performed the required term of service and must be suffering from some mental or physical disability of a permanent character, not the result of his own vicious habits, which renders him unable to earn a support by manual labor. Rates range from six to twelve dollars per month, proportioned to the degree of disability to earn a support. No requirement is made that the applicant's disability shall have any connection with military service, and the act of May 9, 1900, provides that, in determining inability to earn a support, each and every infirmity shall be duly considered and the aggregate of the disabilities shown be rated. The amount of the pension is determined by the degree to which all these infirmities, whether minor or serious, when considered together, render the applicant unable to earn a support by manual labor. Six dollars per month is the rate for any material impairment of such ability. For total, or nearly total, inability to perform manual labor the allowance is twelve dollars. Intermediate rates of eight and ten dollars per month have also been established. A degree of disability that would entitle a claimant to the thirty dollar rate under the general law is pensioned under this act at twelve dollars per month.

Some of the disabilities which are ratable under the general law do not constitute a valid claim under the act of 1890, because they do not materially interfere with the performance of manual labor. For instance, deafness of one ear is not pensionable. Though the age of a claimant is not considered in fixing his rate of pension under the general law, it is an important factor under the act of 1890. A claimant who has reached the age of seventy-five years is allowed the maximum rate for senility alone, and at least the minimum rate is usually granted to one who has attained the age of sixty-five years.

There are now 438,114 persons pensioned under this system for disabilities not of service origin. Of these 100,258 receive six dollars a month, 133,327 eight dollars, 37,055 ten dollars, and 151,572 twelve dollars. Some few receive pensions in excess of twelve dollars per month through special acts of Congress.

The widow of any person who served ninety days or more during the Civil War and was honorably discharged, if without other means of support than her daily labor, is entitled to a pension of eight dollars per month. She is not required to show that her husband's death was the result of his service in the army, but she must have married him prior to June 27, 1890. The act of May 9, 1900, provides that the widow may be pensioned, if without other means of support than her daily labor and an actual net income not exceeding \$250 a year. Pensions to widows begin from the date of the application and continue during widowhood. The additional pension of two dollars per month for each of the children of a deceased soldier, under sixteen years of age, is paid to the widow under the same conditions as provided by the general law.

In case the soldier leaves no widow, or her right to a pension is terminated by death or remarriage, the children under sixteen years of age receive the same pension as the widow would receive if living or eligible. Pensions to minor children who become insane, idiotic or permanently helpless are governed by the same rule as under the general law. Children of a marriage which took place subsequent to June 27, 1890, are not entitled to a pension under this act. The act of 1890 also makes additional and more liberal provisions for the pensioning of dependent parents. There are now 145,111 widows, children and dependent relatives pensioned under this system.

The following table shows the great predominance upon the roll of pensioners under this law:

| | Invalids. | Widows, Children, etc. |
|---|--------------------|---------------------------|
| Act of June 27, 1890 | 438,114 | 145,111 |
| General law | 297,675 | 88,802 |
| War with Spain | 3,555 | 2,049 |
| War with Mexico | 7,568 ¹ | 8,109 |
| Indian Wars, 1832-1842 | 1,086 ¹ | 3,479 |
| War of 1812 | 1 ¹ | 1,527 |
| Revolutionary War | . . . | 9 ² |
| Nurses (Civil War) ³ | . . . | 650 |
| Total | 747,999 | 249,736 |

Out of 997,735 persons on the pension list of the United States, 583,225, or over 58 per cent, are pensioned under the act of 1890. The War with Spain pensioners, as given in the foregoing table, are included under the general law, but are classified separately by the Pension Bureau. Up to the end of the fiscal year 1901 there had been 861,076 invalid claims filed under the act of 1890 and 470,850 allowed, and 357,752 widows' claims filed with 197,872 allowed. There is an almost constant decrease in the number of Civil War claims annually admitted under the general law. Though the rates under the act of 1890 are lower, its terms are less restricted and proof is more easily furnished. Frequently claims are filed under both systems. The pension under the act of 1890 is more easily secured, but if sufficient proof can be advanced to secure the allowance of a general-law claim at a higher rate the former pension is surrendered.

The table on page 51 shows the cost of execution of the act of 1890 up to the present time, and affords a comparison with total pension expenditures and internal revenue receipts.

The act of 1890 is the most extravagant pension law ever enacted and the most vulnerable point in our pension system. In 1887, President Cleveland courageously vetoed a similar law. He also made a record by his vetoes of

¹ Survivors.

² Four widows and five daughters.

³ Act of August 5, 1892.

THE NATIONAL PENSION SYSTEM

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| Year Ending June 30. | Expenditures Under Act of June 27, 1890. | Total Pension Expenditures. ¹ | Total Internal Revenue Receipts. |
|----------------------------|--|---|-------------------------------------|
| 1891 . . | \$8,907,636 77 | 117,312,790 50 | \$145,686,249 44 |
| 1892 . . | 51,407,971 32 | 139,394,147 11 | 153,971,072 57 |
| 1893 . . | 68,259,537 18 | 156,906,637 94 | 161,027,623 93 |
| 1894 . . | 57,900,173 54 | 139,804,461 05 | 147,111,232 81 |
| 1895 . . | 59,102,335 29 | 139,807,337 30 | 143,421,672 02 |
| 1896 . . | 58,397,963 72 | 138,214,761 94 | 146,762,864 74 |
| 1897 . . | 61,686,732 32 | 139,949,717 35 | 146,688,574 29 |
| 1898 . . | 66,255,670 67 | 144,651,879 80 | 170,900,641 49 |
| 1899 . . | 64,321,460 77 | 138,355,052 95 | 273,437,161 51 ² |
| 1900 . . | 65,766,079 35 | 138,462,130 65 | 295,327,926 76 ² |
| 1901 . . | 66,973,481 15 | 138,531,483 84 | 307,180,663 77 ² |
| Total . | \$628,979,042 08 | \$1,531,390,400 43 | \$2,091,515,683 33 |

unworthy special pension acts. The Republican national platform of 1888 denounced "the hostile spirit shown by President Cleveland in his numerous vetoes of measures for pension relief," and, "in the presence of an overflowing Treasury," advocated the extension of pension legislation so "as to provide against the possibility that any man who honorably wore the Federal uniform should become an inmate of an almshouse or dependent upon private charity." The Grand Army of the Republic, at Columbus, Ohio, in September, 1888, adopted resolutions asking for service pensions to all who served sixty days or more in the Civil War, at the rate of eight dollars per month, and "to all who served a period exceeding eight hundred days, an additional amount of one cent per day for each day's service exceeding that period." In the Presidential campaign of 1888 the pension question was in some localities a very important issue. The Republican candidate for governor of the doubtful state of Indiana was General A. P. Hovey, president of the Service Pension Association of the United States. Indiana was carried by the Republican party.

¹ Exclusive of cost of pension administration.

² Great increase caused by the war revenue taxes.

After the inauguration of the new administration, there was a concerted movement throughout the country for a service pension law. The Grand Army of the Republic and the pension attorneys were very active in urging the matter upon the attention of Congress. It was the desire of the Republican leaders to satisfy this demand without going to the extreme of a simple service pension bill. Consequently, the act of June 27, 1890, was passed.

It was similar to the Dependent Pension Bill vetoed by President Cleveland, except that it provided for the grading of the pension according to the degree of disability. In the House, the advocates of the measure estimated its cost at \$35,000,000 per annum, and, in the Senate, at not to exceed \$41,000,000 per annum. The foregoing table shows that the law is now costing about \$25,000,000 annually more than the highest estimate of its supporters.

Under this system, the rich may be pensioned alike with the poor. If the medical examination shows that the claimant is wholly or partially unable to perform manual labor, there is no further inquiry into his ability to support himself. He may be a professional or business man in receipt of a large income, he may be the owner of valuable real estate or securities, but the law takes no cognizance of these facts. If he served ninety days during the Civil War and the medical examiners certify that he is unable to perform manual labor, he will receive his \$144 a year.

The claimant may never have been engaged in active service. His ailments or injuries may have no possible connection with life in the army. His property and income may be quite adequate for the support of himself and family. But the law gives him a clear title to a pension, and, if he yields to the solicitations of some fee-seeking attorney, his name will soon be on the pension roll.

A concrete illustration will throw further light upon the operation of the act. Suppose a lawyer to be crossing a crowded thoroughfare in one of our cities. He is struck by

an electric car and receives an injury necessitating the amputation of his foot. If he completed three months' service during the Civil War, he has a clear title to a pension of twelve dollars a month for life. But what justice is there in the provision of law which grants him the pension? Beyond the temporary interference with his work, his professional income may not be at all diminished. He may even recover heavy damages from the street railway company. For such a man, the law of 1890 is practically an insurance provision against accident or illness which may result in permanent disability.

Why should one class of men in this country be taxed to make provision of this kind for another class of men? The only possible answer is that the latter class served in the Civil War. It is difficult to believe that reasons of sound public policy can be at the basis of such legislation. It is easier to think that "in the presence of an overflowing Treasury," Congress was unable to resist the pressure of pension attorneys and soldier organizations for a distribution of the surplus.

In the illustration we have taken, the applicant has a clear legal title. No dishonesty or misrepresentation would be necessary to secure the allowance of his claim, however little merit there might be in it. But, in that large class of cases where the disabilities alleged are obscure and not apparent to other than medical experts, what a field for simulation and fraud! The eager persuasions of attorneys, the fact that less worthy comrades are receiving pensions, the great resources of the National Treasury, induce many honest men, seemingly in normal health, to discover in themselves ailments which would have been little noticed but for the pension laws. In every large community may be found pensioners under this act, who are daily earning a living by manual labor and seem to be under no disadvantage as compared with other workers of the same age and condition in life.

It is not a pleasant task to object to pensions to widows and fatherless children. But there seems to be no good reason why the National Government should pension a widow who married a soldier twenty or twenty-five years after his period of service, when his death cannot be attributed in any way to that service. She is no more worthy of a pension than any other widow. Yet the act of 1890 grants pensions in just such cases, and, as amended in May, 1900, pensions the widow even when her net annual income amounts to \$250, apart from anything she may earn by her daily labor.

This system does not provide a national gratuity or dignified form of poor relief for indigent and infirm veterans, for it makes no inquiry regarding the soldier's property or income. It pensions alike rich and poor, prosperous and unprosperous. It is not a reward for long and meritorious service in the army, for it places the three months' man upon the same basis as the soldier who fought through the whole war. Nor is it a compensation for injuries and disease contracted in the camp and on the battlefield, for it pensions for all disabilities, whenever incurred, except those resulting from vicious habits. It is unsound in principle, loose in expression and frequently absurd in application. Taxpayers are required to bear an extravagant and unjust burden to insure a privileged class against serious accident or disability. Such a system stimulates dishonesty and dependence, fails to discriminate between the deserving and the undeserving, and prevents the pension list from being, as it should be, a roll of honor. Though there is little hope of its being changed at the present date, the history of its operation should serve as a warning when propositions for unlimited service-pension laws are broached in Congress. With the restoration of a Treasury surplus, such measures are certain to be persistently urged.

War with Spain.

No soldiers have ever enjoyed the benefit of pension provisions so liberal as those applying to our forces engaged in

the War with Spain and in suppressing the insurrection in the Philippine Islands. The whole body of the general pension law, enacted from the Civil War down to the present time, applies to these soldiers just as it does to the veterans of the struggle of 1861-1865. No additional legislation has been needed. For the soldiers of the Civil War the system was gradually established and liberalized. For those of the War with Spain it is in effect immediately at discharge.

Up to March 2, 1895, thirty years after the close of hostilities, many thousands of soldiers of the Civil War were pensioned at rates of two and four dollars per month. On June 30, 1890, there were on the rolls 95,835 invalid pensioners of that war at rates less than six dollars per month. Of these, 21,232 received but two dollars per month and 71,789 were pensioned at four dollars per month. No pensioner of the War with Spain can receive less than six dollars per month. That rate will be allowed for so slight an injury as the loss of a little finger. Other comparisons of rates are instructive. The rate for the loss of a hand or a foot, which was eight dollars in 1865 and fifteen dollars in 1866, was raised to eighteen dollars in 1872, twenty-four dollars in 1883, and has been, since 1888, thirty dollars. In 1865, a soldier who had lost an arm at the shoulder joint or a leg at the hip joint could receive only eight dollars per month; in 1898, the same disability was pensioned at forty-five dollars per month. Prior to 1872, the loss of both hands was pensioned at twenty-five dollars per month; the rate is now one hundred dollars. The loss of the sight of both eyes is now pensioned at seventy-two dollars as compared with twenty-five dollars in 1872. The highest rates for all injuries and disabilities of service origin are applicable to the soldiers of the Spanish-American war. Total deafness of one ear entitles them to a higher allowance than was provided for entire disability to perform manual labor at the close of the Civil War. The system under the

act of 1890 is not, however, applicable to those engaged in the recent hostilities.

Though War with Spain pensions are granted under the provisions of the general law, the Pension Bureau has classified them separately. All claims for disabilities contracted in the service since April 21, 1898, both in the volunteer and regular army and in the navy, are being charged to the account of the War with Spain. No date has yet been fixed as the termination of this war for pensionable purposes, and all claims that are filed come under that classification, provided the disability was incurred since April 21, 1898, and without regard to the location of the command at the time that the disability was incurred. It follows then that those who have received, or may hereafter receive, pensions on account of injuries in putting down the Philippine insurrection after the ratification of the treaty of peace with Spain, are classified as War with Spain pensioners.

The following table exhibits the action taken by the Pension Bureau up to June 30, 1901, in passing upon applications for pensions on account of service in the War with Spain, and also shows the expenditures charged to that war:

| Year ending June 30. | Original Applica- tions Filed. | | Claims Allowed During Year. | | Number on Roll at end of Year. | | Expenditures. |
|-------------------------|-----------------------------------|-----------------|--------------------------------|-----------------|-----------------------------------|-----------------|----------------|
| | Invalids. | Widows, etc. | Invalids. | Widows, etc. | Invalids. | Widows, etc. | |
| 1899 | 15,009 | 2,551 | 125 | 178 | 123 | 176 | \$28,606 81 |
| 1900 | 12,038 | 1,383 | .801 | 710 | 882 | 873 | 332,905 25 |
| 1901 | 12,814 | 1,834 | 2,795 | 1,240 | 3,555 | 2,049 | 1,175,225 76 |
| Total . . . | 39,861 | 5,768 | 3,721 | 2,128 | .. . | .. . | \$1,536,737 82 |

Of the 3,555 invalids on the roll on June 30, 1901, the minimum rate of six dollars per month is received by 1,240.

The number who receive over six dollars and not more than twelve dollars is 1,368. A rate in excess of twelve dollars is paid to 947 invalids.

An interesting comparison of the average annual value of each pension on the roll, each general law pension, each act of 1890 pension and each Spanish War pension is made in the following table:¹

| Year. | Average annual value of— | | | |
|----------------|--------------------------|---------------------------|-------------------------------------|---------------------------|
| | Each pension. | Each general law pension. | Each act of June 27, 1890, pension. | Each Spanish War pension. |
| 1894 | \$134 20 | \$155 08 | \$115 12 | |
| 1895 | 133 99 | 158 39 | 112 15 | |
| 1896 | 133 39 | 161 05 | 109 55 | |
| 1897 | 133 17 | 162 04 | 109 25 | |
| 1898 | 131 79 | 163 21 | 108 11 | |
| 1899 | 132 74 | 165 70 | 108 99 | \$196 53 |
| 1900 | 132 39 | 167 53 | 108 28 | 169 10 |
| 1901 | 131 87 | 168 67 | 108 09 | 153 50 |

The high annual value of Spanish war pensions in 1899 was due to the fact that the first allowances were made to those who were suffering from pronounced disabilities of a severe nature. Later on, pensions were granted to applicants whose disabilities were less serious in character. In many cases, claimants were accorded the benefit of the doubt as to the existence of a pensionable disability where the disabled state was due to sickness rather than to permanent injuries. The decrease is also largely due to the fact that, with a return to favorable surroundings, the physical condition of most of those who served in this war is constantly improving.

The Commissioner of Pensions has said that many of these pensioners will be ordered for re-examination at stated periods, and that when the disability shall have ceased to

¹ See report of Commissioner of Pensions for 1901, 6.

exist in a pensionable degree the pensions must stop in accordance with the law. It will be noted that the average annual value of pensions of the War with Spain is still largely in excess of the value under the act of 1890, but has fallen below the value of pensions under the general law.

The Pension Bureau has not yet attempted an estimate of the ultimate cost in pensions of the Spanish and Philippine wars, and it is not believed that any reliable estimate of that kind is practicable at the present time. Military operations in the Philippines are still in progress, and pensions granted on account of these operations will be charged to the War with Spain. The adjudication of claims originating in that war has not progressed sufficiently to form the basis for an estimate as to the percentage of such claims that will ultimately be allowed. Nor can we know the rates of pensions to which the applicants may become entitled by the increase or decrease of the pensionable disabilities.

There was a striking difference between the Civil War and the War with Spain. The former lasted four years and was characterized by desperate fighting and unprecedented casualties upon the battlefield, in addition to an enormous number of deaths from disease in camp and prison. The War Department estimates that, at one time or another, a total of 2,213,365 men served in the Union army. On the contrary, the War with Spain was short and characterized by few direct casualties from shot and shell. Very serious injuries, however, resulted from disease incident to camp life and exposure to unusual climatic conditions. Within one hundred days from the declaration of war, Spain was seeking peace, and the average term of service was only about six months. About 223,000 volunteer troops were called into service during the war. Since the treaty of peace, another volunteer army of over 39,000 officers and men has been used in our new possessions, and, on June 30, 1901, the regular army had reached a strength of 81,586 officers and men.

In 1872, Commissioner of Pensions Baker reported that

about six per cent of the Union soldiers had filed claims for impaired health or disability resulting from their service. In the valuable discussion of Spanish war pensions in his last report,¹ Commissioner of Pensions Evans says that already claims amounting in number to about twenty per cent of the men enlisted for the Spanish war have been filed. This fact he attributes to the importunities and persuasions of an army of attorneys, solicitors and drummers, who are eagerly seeking applications with the view of securing the twenty-five dollar fee legally collectible for each claim allowed. He cites the case of a regiment which had a membership of fifty-three commissioned officers and 937 enlisted men. It suffered no battlefield casualties and but one officer and twenty-two men died of disease while in the service. There have already been filed 477 claims for pensions on account of service in this organization for disabilities alleged to have been contracted during the brief term of its existence.

Under the system adopted by the War Department each volunteer soldier, upon his muster out, was required to state over his own signature whether he was then suffering from any disabilities. The great majority of the volunteers stated that they had no disabilities. In this statement they were corroborated by the certificate of the commanding officer of each company and by that of an army surgeon, who was required to make a physical examination of each soldier mustered out. Yet thousands of applications for pensions have been filed on behalf of these identical men in which are set forth in great detail the dates and circumstances of origin of a number of disabilities incurred in service, with a statement that they have continued ever since. The names of the disabilities were usually suggested to the claimants by enterprising solicitors. In some cases, forty-eight hours before executing his declaration for a pension, the claimant declared over his own signature that he had no disability of any kind;

¹ See pages 43 to 48 of his report for 1901, to which the writer is much indebted.

the commanding officer confirmed the declaration, and the surgeon examined the soldier and certified that he had no disability.

Some of the Washington pension attorneys have removed to San Francisco, where nearly all the soldiers returning from the Philippines are mustered out of the service, and where convalescents are constantly being discharged from the Presidio Hospital on surgeons' certificates of disability. Competition between attorneys in persuading soldiers to execute declarations for pensions before leaving San Francisco has been very keen. The methods employed in securing business have been most unscrupulous. The Chief of the Law Division of the Pension Bureau has the following to say of the activities of the claim agents:¹

"The distribution of circulars among the soldiers prior to their discharge, which is not prohibited, was soon found to be entirely inadequate to satisfy the ambitions of one class of attorneys, who proceeded to hire men employed in various capacities at the Presidio to act as solicitors for them. Men and women were sent into the Presidio Hospital as visitors to the sick, under the guise of charity and various other pretexts, whose only purpose was to pour into the ears of such soldiers as they could glowing accounts of the system of pensions provided by law, and the merits of some particular attorney who made a business of prosecuting claims. Soldiers were procured to execute declarations for pension before their discharge, and such declarations were postdated and retained by the attorneys until after the muster out, when they were forwarded to the Pension Bureau. It has been found necessary by the commandant and the surgeon in command at the Presidio to take measures to prevent attorneys and those connected with them from entering the hospital, and to constantly change the details of the ambulance drivers and hospital men, etc.; by the authorities of San Francisco, to keep a patrol just outside the Presidio gates when occasion demands; by the railroad companies, to prohibit solicitors from importuning soldiers in the depots and ferries; and by this Bureau, to detail a special examiner to assist in every way possible in protecting the soldiers from the machinations of disreputable attorneys and their solicitors. Officers of the hospital have been approached even by saloon-keepers in the interest of attorneys to secure information from the records."

¹ See report of Commissioner of Pensions for 1901, 105-111.

Under such conditions, it is not difficult to account for the promptness with which claims for pensions on account of the War with Spain and in the Philippines are being presented. And, when the opportunities for fraud in the preparation of testimony and the untrustworthy character of the work of pension medical examining boards are considered, it will readily be seen that there is grave danger of a large number of fraudulent and unmeritorious claims being allowed. Under the present system of pension administration, as established by law, the most honest and efficient Commissioner of Pensions is powerless to properly safeguard the National Treasury.

Cost of Our Pension System.

In gaining an adequate conception of the importance of our pension system, the following statistical information will be of value:

| | |
|---|--------------------|
| Paid for army pensions since July 1, 1865 | \$2,608,004,258.63 |
| Paid for navy pensions since July 1, 1865 | 58,900,330.60 |
| Fees of examining surgeons | 17,375,192.13 |
| Cost of disbursement and agencies | 13,140,883.73 |
| Pension Bureau, salaries | 48,696,646.50 |
| Pension Bureau, other expenses | 8,610,616.60 |
| Total | \$2,754,727,928.19 |

The outstanding principal of the public debt of the United States was, when at its highest point, in 1866, \$2,773,000,000. The pension expenditures since the Civil War have already reached that amount, and are continuing at the rate of \$140,000,000 per year. The comparative importance of pension disbursements before and after the Civil War is shown by the fact that the amount expended from July 1, 1790, to June 30, 1865, was but \$96,445,000.

Within the space assigned to the present paper, it has been impossible to make more than passing comment upon the administrative evils of the pension system. Billions of dollars have been paid from the National Treasury under

methods which would not be tolerated in any business enterprise in the world. However well disposed the officers of the Pension Bureau may be, it is not now possible for them to render justice to claimants and to safeguard the interests of the government. In some of its aspects, the present system seems well adapted to facilitate fraud rather than to check it. The truth of these statements is abundantly attested by the published reports of a long succession of Commissioners of Pensions. In his last report, Commissioner Evans expresses emphatic concurrence in the protests of his predecessors against the wrongs of the system with whose administration they were charged. He makes a most earnest plea for reform, but the influences opposed to a business-like administration of the Pension Bureau are so strong at Washington that there is little hope that Congress will authorize any change for the better.

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